

(3) Whether, and under what conditions, to permit the use of the facilities on Sand Island for purposes other than a wildlife refuge or a national memorial.

(4) Whether to impose conditions on public access to Midway Atoll as a national memorial.

(c) REPORT.—Upon completion of the study required under subsection (a), the Secretary shall submit, to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives, a report on the study, which shall include any recommendations for further legislative action. The report shall also include an inventory of all known past and present facilities and structures of historic significance on Midway Atoll and its environs. The report shall include a description of each historic facility and structure and a discussion of how each will contribute to the designation and interpretation of the proposed national memorial.

SEC. CONTINUING DISCUSSIONS.

Nothing in this Act shall be construed to delay or prohibit discussions between the Foundation and the United States Fish and Wildlife Service or any other government entity regarding the future role of the Foundation on Midway Atoll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the committee substitute be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee substitute was agreed to.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The bill (S. 940), as amended, was read the third time and passed.

BILOXI HARBOR NAVIGATION ACT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 238, S. 1324.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1324) to deauthorize a portion of the project for navigation, Biloxi Harbor, Mississippi.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. CHAFEE. Mr. President, today the Senate is considering S. 1324, a bill introduced by Senator LOTT to deauthorize a portion of the project for navigation at Biloxi Harbor, MS. The Senate Committee on Environment and Public Works unanimously approved this measure on October 29, 1997.

This technical legislation is necessary as the Mississippi Department of Transportation intends to replace an existing bascule bridge, which spans a segment of the Bernard Bayou Federal navigation channel in Biloxi Harbor,

with a fixed span bridge. Construction of the fixed span bridge would obstruct the navigation channel, which was authorized as part of the 1960 River and Harbor Act. However, the U.S. Army Corps of Engineers has determined that there is no current or expected commercial navigation along the channel.

Thus, deauthorization of a portion of the Bernard Bayou Federal channel appropriately addressed an artifact of the 1960 authorization and allows for construction of the fixed span bridge. The Army Corps of Engineers has informed the Congress that it has no objection to deauthorization of the Bernard Bayou Federal navigation channel segment identified in S. 1324. Mr. President, I encourage Senate adoption of this necessary measure.

I ask unanimous consent that a letter from June O'Neill of the CBO to me be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 31, 1997.

Hon. JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1324, a bill to deauthorize a portion of the project for navigation, Biloxi Harbor, Mississippi.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Gary Brown.

Sincerely,

JAMES. L. BLUM
(For June E. O'Neill).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE
S. 1324—A bill to deauthorize a portion of the project for navigation, Biloxi Harbor, Mississippi

CBO estimates that enacting the bill would have no impact on the federal budget. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995, and would impose no costs on state, local, or tribal governments.

S. 1324 would deauthorize a portion of the project for navigation of Bernard Bayou Channel, Biloxi, Mississippi, that was authorized by the River and Harbor Act of 1960. The deauthorization would allow the Mississippi Department of Transportation to replace the existing bascule bridge (drawbridge) that spans that channel with a fixed-span bridge. Any costs associated with constructing a bridge would be incurred voluntarily by the state of Mississippi.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Gary Brown. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The bill (S. 1324) was read the third time and passed, as follows:

S. 1324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1 BILOXI HARBOR, MISSISSIPPI.

The portion of the project for navigation, Biloxi Harbor, Mississippi, authorized by the River and Harbor Act of 1960 (74 Stat. 481), for the Bernard Bayou Channel beginning near the Air Force Oil Terminal at approximately navigation mile 2.6 and extending downstream to the North-South ½ of Section 30, Township 7 South, Range 10 West, Harrison County, Mississippi, just west of Kremer Boat Yards, is not authorized after the date of enactment of this Act.

GRAZING PRIVILEGES ACT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 219, H.R. 708.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 708) to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The bill (H.R. 708) was read the third time and passed.

ORDERS FOR WEDNESDAY, NOVEMBER 5, 1997

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m., on Wednesday, November 5th. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate proceed immediately to 10 minutes of debate in executive session on the nomination of Judge James Gwin, of Ohio, to be U.S. District Judge for the Northern District of Ohio, to be followed by a rollcall vote on his confirmation, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I also ask unanimous consent that following the vote on the Gwin nomination, the Senate proceed to legislative session to

resume consideration of the motion to proceed to S. 1269, the fast-track legislation, with Senator ROTH or his designee being in control of 3 hours and Senator DORGAN or his designee in control of 4 hours. I further ask unanimous consent that at no later than 5 p.m., the Senate proceed to a rollcall vote on or in relation to the motion to proceed to S. 1269.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. In conjunction with the previous consent agreements, tomorrow at 9:40 the Senate will proceed to executive session to vote on the

nomination of James S. Gwin to be U.S. district judge for the Northern District of Ohio. Following that vote, the Senate will resume legislative session and debate on the motion to proceed to S. 1269, the fast-track legislation, with Senator ROTH in control of 3 hours and Senator DORGAN in control of 4 hours. As under the previous consent, the Senate will vote on or in relation to the motion to proceed to S. 1269 at no later than 5 p.m. tomorrow. Following that vote the Senate could turn to any of the following items, if available: The D.C. appropriations bill, the FDA reform conference report, the Intelligence authorization conference report, and any additional legislative or executive items that can be cleared for

action. Therefore, Members can anticipate rollcall votes throughout Wednesday's session of the Senate. As a reminder to all Members, the first rollcall vote tomorrow will occur at 9:40 a.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNETT. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:11 p.m., adjourned until Wednesday, November 5, 1997, at 9:30 a.m.